



Agenda Date: 5/25/00
Agenda Item: 7B

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center
Newark, NJ 07102

CABLE TELEVISION

IN THE MATTER OF RCN OF NEW JERSEY)
D/B/A RCN OF NEW JERSEY FOR)
APPROVAL OF THE FILING OF FCC FORM)
1240 ANNUAL UPDATING OF MAXIMUM)
PERMITTED RATES FOR REGULATED)
CABLE SERVICES AND IN CONNECTION) ORDER ADOPTING STIPULATION
THEREWITH, FORM 1205 DETERMINING)
REGULATED EQUIPMENT AND INSTALLA-)
TION COSTS USING THE OPTIONAL)
EXPEDITED RATE PROCEDURES) DOCKET NOS. CR00010016, CR00010017

SERVICE LIST ATTACHED

BY THE BOARD:

On January 27, 2000, RCN of New Jersey d/b/a RCN of New Jersey (Petitioner) filed Federal Communications Commission (FCC) Form 1240, Docket Number CR00010016, seeking approval by the Board of Public Utilities (Board) for an annual rate adjustment in its permitted rates resulting from an adjustment for inflation, programming costs and copyright fees pursuant to the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. § 543 et seq., and provisions of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq.

On the same day, Petitioner filed a FCC Form 1205, Docket Number CR00010017, with the Board seeking approval of its regulated installation and equipment costs as listed on Schedule A of the Stipulation. The rates reflected on this schedule are the same rates approved by the Board under FCC Form 1205, Docket Number CR95040159. Petitioner has chosen not to increase its rates for the time period from April 26, 2000 to April 25, 2001. However, the FCC requires that a Form 1205 be filed with the Form 1240 (47 C.F.R. § 76.922) and Petitioner has met this requirement.

The Board, at its public meeting on January 10, 1996, Docket Number CX95120636, approved the implementation of Optional Expedited Rate Procedures for the processing of certain filings made with the Office of Cable Television (OCTV). The intended purpose of these procedures is to grant final rates as quickly as possible to any cable company that chooses this process. In the spirit of cooperation based on the principles of Alternate Dispute Resolution (ADR), the discovery content is limited, thereby reducing the timeframe for settlement.

Petitioner chose to pursue its filings with the Board through the approved procedures. To that

end, a pre-transmittal conference was held on March 9, 2000 and attended by representatives of the Petitioner, the Division of the Ratepayer Advocate and Board Staff. Petitioner agreed to waive its Office of Administrative Law (OAL) litigation rights for all matters currently docketed with the Board. It should be noted that Petitioner's waiver was a knowing, voluntary and intelligent waiver of its litigation rights at the OAL and that the waiver did not constitute a circumvention of the FCC's rules nor did it affect Petitioner's right to appeal in that forum.

Petitioner notified its customers of the rate changes by way of a newspaper announcement informing them of their opportunity to submit written comments to the Board for a period of thirty days commencing from March 24, 2000 to April 24, 2000. During this time, no comments were received as a result of this public notice.

Upon review by Staff and the Ratepayer Advocate of the supporting documentation, schedules and other discovery requests, a settlement conference was held on March 28, 2000. On May 10, 2000, the parties entered into a Stipulation of Settlement.

The Board has reviewed the Stipulation and finds it to be reasonable, in the public interest and in accordance with the law. Therefore, the Board HEREBY ADOPTS the Stipulation of Settlement (attached hereto) as its own, incorporating by reference the terms and conditions therein as if fully set forth at length herein.

DATED: May 25, 2000

BOARD OF PUBLIC UTILITIES
BY:

(signed)

HERBERT H. TATE
PRESIDENT

(signed)

CARMEN J. ARMENTI
COMMISSIONER

(signed)

FREDERICK F. BUTLER
COMMISSIONER

ATTEST:

(signed)

EDWARD BESLOW
ACTING SECRETARY

IN THE MATTER OF
RCN OF NEW JERSEY
D/B/A RCN OF NEW JERSEY
FCC FORM 1240 AND FORM 1205 USING THE
OPTIONAL EXPEDITED RATE PROCEDURES

DOCKET NOS. CR00010016, CR00010017

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